



EPA/EPO/OEB
D-80298 München
+49 89 2399-0
TX 523 656 epmu d
FAX +49 89 2399-4465

Europäisches
Patentamt

Generaldirektion 2

European
Patent Office

Directorate General 2

Office européen
des brevets

Direction Générale 2

Smith, Norman Ian
fJ CLEVELAND
40-43 Chancery Lane
London WC2A 1JQ
GRANDE BRETAGNE

Telephone Numbers:

Primary Examiner +49 89 2399-2773
(substantive examination)

Formalities Officer / Assistant +49 89 2399-2271
(Formalities and other matters)



Application No. 96 932 173.6-2207	Ref. NIS/DC/30285	Date 11.04.2001
Applicant Intertrust Technologies Corp.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

Amendments to the description, claims and drawings are to be filed where appropriate within the said period in **three copies** on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



RAHNER H K
Primary Examiner
for the Examining Division

Enclosure(s): 4 page/s reasons (Form 2906)

**Bescheid/Protokoll (Anlage)**

Datum
Date
Date
11.04.2001

Communication/Minutes (Annex)

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Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.:
Demande n°:
96 932 173.6

The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE CH LI DE DK ES FI FR GB GR IE IT LU MC NL PT SE

Description, pages:

1-324 as published

Claims, No.:

1-9 as received on 22.03.1999 with letter of 11.02.1999

Drawings, sheets:

1/98-98/98 as published

- 1). The following document (D) is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP-A-0 370 146 (STRATEGIC PROCESSING CORP) 30 May 1990

- 2). Independent claim 1 relates to method comprising the steps of
at a user site

- using digital information;
- generating data relating to an aspect of said usage;
- associating a first control with said data;
- sending said data and said first control to a first external site;

at said first external site

- performing a first operation using at least a portion of said data, said first operation being performed at least in part in compliance with at least one requirement imposed by said first control;
- transmitting at least a portion of said data from said first external site to a second external site, said transmission being authorized at least in part by



said first control, and said transmission including said first control; and
at said second external site

- performing a second operation using at least a portion of said data, said second operation being performed at least in part in compliance with at least one requirement imposed by said first control;
- whereby at least a portion of said first control may remain associated with and in at least partial control of said data at said first external site and at said second external site.

The terms "digital information", "at least one aspect of said usage", "first control data", "at least in part in compliance with at least one requirement imposed by said first control" used in claims 1-5 are so vague and unclear that the reader is left in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 84 EPC).

- 3). According to the application as filed there was disclosed and claimed an electronic commerce and/or rights management system for performing at least one clearing system.

When revising the patent application care should be taken not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC). In particular, when it is not obvious how the text has been amended, the applicant should explain from which points of the original application documents amendments are derived (Guidelines E-II, 1.).

The examiner is unable to identify a basis in the application as originally filed that would support the generalised broad wording of claims 1-5 presently on file. Therefore, the subject-matter of these claims are considered to introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC.

- 4). Independent claim 6 defines a method of performing clearinghouse functions which method is to be considered as a method for doing business that lacks any technical character and thus is excluded from patentability under Article 52(2) and



(3) EPC. All the features of claim 6 relate to steps of processing and producing information having purely administrative and/or financial character and thus to steps of business and economic methods.

Present claim 6 cannot therefore be allowed.

- 5). Independent claim 7 relates to a system for supporting a virtual entity particularly comprising:

trusted electronic commerce nodes one or more thereof securely creating one or more digital credentials representing a virtual entity,
a digital credentialing arrangement that issues digital credentials,
a secure communications arrangement that securely communicates digital information among plural parties and/or nodes,
wherein at least one of said credentials representing said virtual entity to enable said entity to participate in a commercial process.

Contrary to the Guidelines for Examination in the EPO, E-II, 1. the applicant did not explain from which points of the original application documents the amendments are derived.

Since the Examiner also is unable to identify supporting passages in the description or claims as originally filed it appears that newly worded independent claim 7 contains subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC), and which possibly has not been searched. Reference is made to Rule 86(4) EPC stating that amended claims may not relate to unsearched subject-matter which does not combine with the originally claimed invention or group of inventions to form a single general inventive concept.

- 6). In view of the above objection it is not at present practicable to carry out a full examination of the application. The applicant is therefore requested to file suitable amendments upon which the further prosecution of the application is to be based.

Document D1 appears to represent the closest prior art at present available.

Should the applicant regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also

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Notification/Procès-verbal (Annexe)

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indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims taking into account the requirement of Article 123(2) EPC.